



# Mesothelioma Act 2014

## 2014 CHAPTER 1

### *General*

#### **17 Regulations under this Act**

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing—
  - (a) the first regulations under section 1 (the scheme), or
  - (b) regulations under section 7(3)(b) or 10,may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament, unless it contains regulations under section 7(5) only.
- (4) Regulations under this Act may include incidental, supplementary, consequential, transitional, transitory or saving provision.

#### **Commencement Information**

**II** [S. 17](#) in force at 31.3.2014 by [S.I. 2014/459](#), [art. 3\(f\)](#)

#### **18 Defined terms used in more than one section of this Act**

- (1) In this Act—
  - “application” means an application for a payment under the scheme;
  - “active insurer” has the meaning given by section 13;
  - “the compulsory insurance legislation” means—
    - (a) the Employers' Liability (Compulsory Insurance) Act 1969, or
    - (b) the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6));

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*Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, Cross Heading: General. (See end of Document for details)*

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“damages” includes a payment in settlement of a claim for damages;

“dependant”, in relation to a person who has died with diffuse mesothelioma, has the meaning given by section 3(1) of the Pneumoconiosis etc (Workers' Compensation) Act 1979 (reading the reference to the Secretary of State as a reference to the scheme administrator);

“employers' liability insurance”, in relation to an employer and a particular time, means insurance that the employer—

- (a) was required by the compulsory insurance legislation to maintain at that time, or
- (b) would have been required by the compulsory insurance legislation to maintain if that legislation had been in force at that time;

“the fatal accidents legislation” means—

- (a) the Fatal Accidents Act 1976,
- (b) the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)), or
- (c) section 4 of the Damages (Scotland) Act 2011;

“levy” means a levy under section 13;

“relevant employer” has the meaning given by section 2;

“the scheme” means the Diffuse Mesothelioma Payment Scheme;

“scheme administrator” means the person for the time being administering the scheme (see section 7);

“the Technical Committee” means a committee established in accordance with arrangements under section 15.

- (2) In determining for the purposes of this Act whether an employer would have been required to maintain insurance if the compulsory insurance legislation had been in force at any given time, assume that any exemption that has at any time applied under the following provisions applied at the time in question—
  - (a) section 3(1)(a) to (c) of the Employers' Liability (Compulsory Insurance) Act 1969, and
  - (b) Article 7(a) to (c) of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972.
- (3) The scheme may specify circumstances in which a person is, or is not, to be treated as able to bring an action for the purposes of section 2(1)(d) or 3(1)(c).

#### **Commencement Information**

**I2** S. 18 in force at 31.3.2014 by S.I. 2014/459, art. 3(f)

## **19 Commencement**

- (1) This Act comes into force on such day or days as the Secretary of State may by order appoint, subject as follows.
- (2) This section and sections 20 and 21 come into force on the day on which this Act is passed.
- (3) The Secretary of State may by order make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.

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- (4) An order under subsection (1) may appoint different days for different purposes.
- (5) An order under this section is to be made by statutory instrument.

## **20 Extent**

- (1) This Act extends to—
  - (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland.
- (2) Any amendment or repeal made by this Act has the same extent as the enactment to which it relates.

## **21 Short title**

This Act may be cited as the Mesothelioma Act 2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Mesothelioma Act 2014, Cross  
Heading: General.